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MULHAUPT, E. *Der Milchring. Ein Beitrag zur Kartell- und Milchpreisfrage.* Volkswirtschaftliche Abhandlungen der badischen Hochschulen, 9. (Karlsruhe i.B.: G. Braun. 1912. Pp. 111.)

MOLLER, W. *Das Reichspetroleummonopol. Betrachtungen über die Voraussetzungen, die Organisationsfragen und die Wirkungen.* (Berlin: C. Heymann. 1913. Pp. 68. 1 m.)

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Strauss, F. *The relation between capital and rates; an address delivered at the University club, New York, March 7, 1912.* (Buffalo: The Matthews Northrup Works. 1912. Pp. 20.)

Labor and Labor Organizations

Attitude of American Courts in Labor Cases. By GEORGE GORHAM GROAT. Columbia University Studies in History, Economics, and Public Law, Vol. XLII. (New York: Longmans, Green and Company. 1911. Pp. 400. \$2.50.)

The predominant impression gotten from Groat's treatment of the trade-union law cases, is that irreconcilable diversity of opinion characterizes the decisions which have been rendered by the courts. This confusion extends even to the use of such terms as strikes, boycotts, threats, and intimidation. As to general statements on the rights of labor and capital, much less divergence exists, but some general statements lack both consistency and practicability. The courts are, however, Groat believes, slowly making progress toward the solution of the problems presented in trade-union law. No court now dares question the right of laborers to organize, although it may deny the means to make organization effective. Even more encouraging is the tendency toward eliminating the element of combination and the purposes aimed at, as being material in determining the legality of labor-union activities.

Groat boldly criticizes the courts for failing to adjust their decisions to present-day economic conditions. He views the problem of trade-union law as primarily a matter of public policy and expediency, rather than a study in legal precedents inherited from another age. All reference to the absolute rights of either party in industrial disputes is considered confusing verbiage; reform must come through recognizing that labor must be con-

ceded the right of organization, and the means of rendering it effective.

While recognizing that not all courts use such terms as strikes and boycotts in the same sense, Groat does not point out that much of the contradiction as to the legality of these trade-union activities is due to the different meanings the courts give to these terms; nor does he make any attempt to analyze by states the differences in the decisions upon trade-union law. He fails to recognize that some courts have been consistently friendly toward labor-union activities. On the contrary, he urges that the tendency is for a liberalization of trade-union law, because a number of progressive courts have recently rendered decisions favorable to labor. Had an effort been made to analyze these decisions by states it would have been apparent that no change of opinion was involved in these recent progressive decisions, and that the latest utterances of the courts which have held against labor are no more advanced than have been the earlier ones.

The author is not consistent in his statements as to the role played by the element of motive in trade-union law cases. In the chapters upon the law as to strikes, boycotts, and closed-shop contracts, the impression is conveyed that the chief reason for differences of opinion is divergence as to the question whether a malicious motive renders an otherwise legal action unlawful. In the chapter upon Special Topics, however, the view is presented that motive is quite immaterial in trade-union law. Nor is sufficient emphasis given to the theory that the right to do business is property in trade-union law. The quotations from cases which he makes constantly emphasize the loss of profits the employers have sustained, and on pages 205-210 he discusses the view advanced in several New Jersey cases, that "probable expectancy" of business profits gives warrant for action when interference takes place, as if this were a new doctrine. It is clearly, however, nothing more than an elaborate statement of the view long held that the right to do business is property. The discussion fails to include the remedies which the courts command in dealing with unlawful labor combinations. Nowhere is it clearly shown how the courts apply the doctrines of conspiracy and malice to combinations of capital. Only incidentally does the author touch upon the Sherman anti-trust law in its application to labor. Groat's treatment of trade-union law is not exhaustive, as, indeed, he does not claim it to be.

In the chapters on the attitude of the courts towards the constitutionality of labor legislation, the distinction between social justice and civil justice is consistently applied and well worked out. The author shows precedents where some courts, especially the Supreme Court of the United States, have recognized these principles, but only in cases where the actual conditions have been brought before them by counsel in such abundance that they recognize them as "matters of general knowledge." The criticism of the courts, therefore, falls back on the lawyers and referees who have not had the training adequate to assemble and present the facts of these new and actual conditions, and who, therefore, like the courts, rely upon such precedents as they can find. Even with this array of facts, some of the courts resort to their antiquated notions of liberty. In this predicament the only remedy is the slow and usually impossible amendment to the Constitution. But then, "constitutional amendments are not necessary. All that is needed is to have the new meaning read into the present phrases." The predicament then resolves itself into either the social and economic training of the lawyers, or the more rapid methods of amending the constitutions. Groat seems to take the former view. He does not attach much importance to the device of commissions composed of both lawyers and laymen with power to investigate and make conclusive findings of the facts.

JOHN R. COMMONS.

Le Mouvement Syndical. By SYLVAIN HUMBERT. (Paris: Librairie Marcel Rivière et Cie. 1912. Pp. 100. 0.75 fr.)

This little volume is one of a series of eleven volumes published in 1912 under the general title *Histoire des Partis Socialistes en France*. The series is a history of the socialist ideas and socialist parties in France since the Great Revolution. Only one volume, however, is devoted to the period from 1789 to 1871; all the others treat of the various phases of French socialism since the Commune. The editor, M. Alexander Zévaès, belonged at one time to the Guedist party—the most orthodox Marxian party in France—but is now a member of the Republican-Socialist party, which was organized in December, 1911, by socialistic groups and factions which could not or would not join the generally recognized Socialist party. The program of the Republican-Socialist party is a mixture of collectivist and individualist ideas and propositions which are to be carried out peacefully and gradually.